ELECTIONS BC
A non-partisan Office of the Legislature

Annual Report

2005/06

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for the period April 1, 2005 to March 31, 2006

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September 5, 2006

The Honourable Bill Barisoff
Speaker of the Legislative Assembly
Province of British Columbia
Parliament Buildings
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Honourable Speaker:

I have the honour to present the 2005/06 Annual Report of the Chief Electoral Officer to the Legislative Assembly, in accordance with section 13(1)(a) of the *Election Act*.

This Annual Report of the Chief Electoral Officer covers the period of April 1, 2005 to March 31, 2006.

Sincerely,

Harry Neufeld
Chief Electoral Officer

c. Mr. E. George MacMinn, Q.C.
Clerk of the Legislative Assembly

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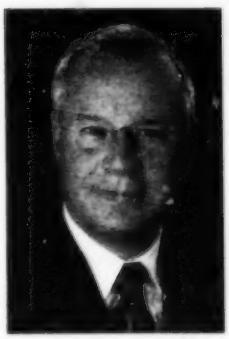
Message from the Chief Electoral Officer



I am pleased to submit Elections BC's 2005/06 Annual Report, covering the period of April 1, 2005 to March 31, 2006. This report compares the actual results to the expected results identified in Elections BC's 2005/06 – 2007/08 Service Plan.

The past year has been extremely busy for Elections BC. We delivered three major events: a province-wide targeted enumeration, a provincial general election and the historic referendum on electoral reform. Successful delivery of these complex events required years of careful planning and well-orchestrated execution by headquarters staff and election officials. In fact, the election and referendum were administered almost flawlessly. Credit for this must go to the District Electoral Officers and their Deputies, as well as to the more than 30,000 election officials and office staff we hired to administer these events in the field.

In particular, I am proud of how hard my staff and these officials worked to contain the costs of the election and referendum. Due to their efforts, the cost of administering the 2005 General Election was only one penny more per registered voter than for the 2001 election.

Although elections are most visible on General Voting Day, there is a great deal of work that goes on behind the scenes for many months afterwards. This past fiscal year has also involved the receipt and review of election financing reports of candidates and political parties. Elections BC published and tabled with the Legislative Assembly reports and statistics regarding the election and referendum, as well as a report on recommended legislative changes to improve electoral administration in B.C. We conducted extensive reviews of event delivery to determine areas to increase efficiency and improve our service to the public.

Additionally, staff have been planning for unscheduled events, such as by-elections, recall petitions, initiative petitions, and referendums. The timing of these events cannot be predicted with certainty, and Elections BC needs to maintain a state of readiness to administer these events whenever we are called upon to do so.

There are more challenges ahead. Since mid-December 2005, my time has been divided between my duties as Chief Electoral Officer and as an Electoral Boundaries Commissioner. My staff will prepare to rapidly implement a redistribution of electoral district boundaries and voting areas as a result of the final recommendations of this Commission in 2008. We will prepare for management of the 2009 referendum on electoral reform, and conduct of another province-wide targeted enumeration before the May 12, 2009 provincial general election.

I am proud of the many significant achievements made by my office during 2005/06. I sincerely thank my staff for their dedication to providing excellence in impartial electoral administration. I can report with confidence that Elections BC will continue to apply professional expertise and creativity to the evolving challenge of delivering an accessible, inclusive electoral process to the citizens of British Columbia.

About Elections BC

Vision

To be leaders in electoral administration.

Mission

To serve democracy in British Columbia through the fair and impartial administration of the provincial electoral process.

Mandate

To administer the provincial electoral process in British Columbia in accordance with the *Election Act*, *Recall and Initiative Act*, *Referendum Act* and *Constitutional Amendment Approval Act*.

Goals

1. Ensure ongoing support and enhancement of the electoral process.
2. Ensure effective and efficient administration of electoral events.
3. Provide an inclusive and accessible electoral process.
4. Be a learning organization that develops and shares best practices.

Overview and Core Business Areas

Elections BC is a non-partisan Office of the Legislature responsible for the fair and impartial administration of provincial elections, referenda, recalls and initiatives. Elections BC is the usual name for the Office of the Chief Electoral Officer. As a statutory Officer of the Legislature, the Chief Electoral Officer reports directly to the Legislative Assembly through the Speaker. The Chief Electoral Officer cannot be a member of a political party, make contributions to a party or candidate, or vote in provincial elections. For financial and administrative purposes, the organization is divided into four core business areas.

Event Administration

Elections BC must maintain a constant state of readiness for elections, by-elections, referenda, and recall and initiative campaigns. Many of these events can occur at any time, often with overlapping time frames. Under the *Constitution Act*, provincial general elections are held on fixed dates. The next provincial general election will be held on Tuesday, May 12, 2009. Though the dates of provincial general elections are fixed, the Lieutenant Governor retains the prerogative to dissolve the Legislative Assembly at any time, thereby causing a general election to be held. Electoral administration requires a significant amount of planning to ensure the complex legislative, administrative and logistical aspects of an electoral event are appropriately managed.

Voter Registration and Electoral Geography

Voter registration and voters list maintenance are an important part of our day-to-day operations. Elections BC is continuously searching for more effective and efficient methods of ensuring the provincial voters list is maintained at high levels of quality. This business area is also responsible for the maintenance of a geospatial database containing B.C.'s electoral boundaries, road network and address data, as well as providing a variety of services and products necessary for the administration of electoral events.

Public Awareness and Education

Elections BC provides a broad level of public education regarding voter registration and the electoral process. This includes ensuring the public, media, political parties and other stakeholder groups have access to a wide range of information, both between and during electoral events. This business area is responsible for developing a comprehensive communications strategy for each electoral event to ensure timely, effective and efficient communications with all stakeholder groups, as required under the *Election Act* and *Recall and Initiative Act*.

Electoral Finance

This business area is responsible for the registration of political parties, constituency associations, advertising sponsors and other participants in the electoral process. Electoral Finance also reviews all financing reports required to be filed by participants to ensure compliance with the *Election Act*, the *Recall and Initiative Act* and Regulations under the *Referendum Act*. This business area conducts required periodic investigations of the financial affairs of registered political entities.

Our Structure

Elections BC Organization Chart

Overview of Activities

Electoral Technology Accord

The Electoral Technology Accord (ETA) is a joint effort by Canadian federal, provincial and territorial electoral management bodies to cooperate in the application of information and telecommunications technology. A key goal of this accord is to strengthen the sharing culture among the participants, with a long term objective of conducting joint research, procurement, system design and system development to realize cost savings and efficiencies.

In 2004, the Chief Electoral Officers from these electoral management bodies established a working group to define a data modeling documentation standard, describe key common business areas and create associated data models. The key common business areas included voters, addresses, events, candidates, sites, and voting results. The working group published the Common Data Model report in the summer of 2005, and made several recommendations for the following year, including the following:

- support ongoing cooperation through the working group;
- adopt an operating model for ongoing cooperation;
- expand the data model to include election finance data relationships and refine the electoral geography data relationships;
- demonstrate the use of geographic information system (GIS) technologies in support of electoral management.

The recommendations were accepted by all of the Chief Electoral Officers. Work started on the expansion of the data model and demonstrations of GIS tools and techniques were prepared.

Election Finances

Every registered political party and registered constituency association must file an annual calendar year financial report with Elections BC by March 31 of the following year. The reports disclose information regarding the assets and liabilities of the entities as well as the sources of revenue and nature of expenditures. During 2005/06, the Electoral Finance and Corporate Administration program area reviewed the 2004 annual financial reports of 44 registered political parties and 164 registered constituency associations.

Candidates, registered political parties, registered constituency associations, and election advertising sponsors must file financial reports with the Chief Electoral Officer within 90 days after a provincial election. The deadline for the 2005 General Election financing reports was 4:30 p.m. on August 15, 2005. The reports include the total election expenses of each filer, and information regarding the political contributions received.

During 2005/06, the program area reviewed the 2005 General Election reports of 398 candidates, 23 registered political parties, 112 registered constituency associations and 149 election advertising sponsors.

Each report is reviewed to ensure compliance. Identified inaccuracies or errors are discussed with the financial agent and the report is amended. The original reports and all amendments are scanned and posted to the Elections BC website for public access.

Targeted Enumeration

Leading up to the May 17, 2005 provincial general election, Elections BC conducted an intensive province-wide targeted enumeration. The targeted enumeration was organized into three phases. Phase I commenced March 1, 2004 and concluded on January 6, 2005. It consisted of merging the National Register of Electors (NRoE) with the provincial voters list and the implementation of an online voter registration system. In Phase II, from January 1, 2005 to March 31, 2005, Elections BC began a comprehensive outreach program consisting of integrated communications and mail-outs to eligible B.C. voters.

The third and final phase of the targeted enumeration was the field outreach which took place from April 1 to April 26, 2005. District Electoral Officers played an important role in the final phase of the targeted enumeration. On April 1, 2005, 85 district electoral offices opened throughout the province allowing voters to register, update and confirm their registration information in person. District Electoral Officers encouraged voter registration by giving community presentations at high schools and community centres, and by distributing voter registration educational material. District Electoral Officers were also responsible for hiring and training enumerators who visited long-term care facilities and shelters and social service agencies within their electoral district.

Referendum on Electoral Reform

On May 17, 2005, a referendum on electoral reform was held in conjunction with British Columbia's 38th provincial general election. The referendum was a province-wide vote on whether to change to the single transferable vote (STV) electoral system, as recommended by the Citizens' Assembly on Electoral Reform.

The ballot question, as established in the final report of the Citizens' Assembly, was "Should British Columbia change to the BC-STV electoral system as recommended by the Citizens' Assembly on Electoral Reform? Yes/No." Two thresholds were set by the *Electoral Reform Referendum Act* in order for the referendum results to be binding on government:

- at least 60% of the valid votes cast in support of the question stated on the referendum ballot, and
- in at least 48 of the 79 electoral districts, more than 50% of the valid votes cast in support of that question.

Voters voted 'yes' by more than 50% in 77 of 79 electoral districts. Of the total valid votes cast, 57.69% voted 'yes' on the referendum question. Based on the final results, only one of the two thresholds was met.

Registered referendum advertising sponsors were required to submit financial reports to Elections BC by 4:30 p.m. on August 15, 2005 if they sponsored referendum advertising with a total value of $500 or more. During 2005/06, Elections BC reviewed the financial reports of five registered referendum advertising sponsors. Seventeen individuals and organizations indicated that they did not meet the threshold for submitting a full report.

With the referendum held in conjunction with a provincial general election, Elections BC was able to educate voters for both electoral events using the same communication channels. Administering the referendum with a general election resulted in significant economies and efficiencies. The most significant direct cost resulting from the referendum was the printing cost of the referendum ballots. The cost of administering the referendum in conjunction with the general election was $1.1 million, compared to an estimated $25 million, had the referendum been held as a stand-alone event.

May 2005 General Election

On May 17, 2005, for the first time in British Columbia, or any Canadian province, voters voted in a fixed date provincial election.

To administer the 2005 General Election, Elections BC appointed a District Electoral Officer in each electoral district. For the first time, District Electoral Officers were also appointed as District Registrars of Voters, responsible for conducting enumerations and other voter registration activities in their electoral district.

District Electoral Officers are responsible for an enormous recruitment and training effort. During a three week period, they must collectively hire and train approximately 30,000 election officials. Elections BC developed training videos and a role-specific training curriculum for use by District Electoral Officers when training election officials.

To ensure eligible voters were aware of the importance of voting and available voting opportunities, Elections BC conducted an aggressive province-wide information campaign. Primary activities included advertising in movie theatres, television, newspapers, and an information flyer sent to every residence in the province. Six months before the election, Aboriginal, Chinese, Indo-Canadian and youth liaison officers were hired to work with their respective communities to remove administrative barriers to voting and raise awareness of citizens' democratic rights and the electoral process.

Voter participation in the May provincial general election was higher than in the previous provincial election, with 1,774,269 voters, 58.19% of those eligible, turning out to vote.

Recommendations for Legislative Change

On March 30, 2006, the Chief Electoral Officer submitted a report to the Legislative Assembly recommending more than 60 specific amendments to the *Election Act*. The report also identified seven matters of public policy that the Legislative Assembly may choose to review.

In the course of administering the legislation, Elections BC has become aware of a number of issues. Elections BC is also in a position to identify issues in relation to the electoral process from the perspective of our clients. Political parties, candidates, voters and the media have all brought issues to our attention. As administrators, we have a responsibility to raise these issues so Members of the Legislative Assembly can consider them.

The Legislature must now review the recommendations and determine whether changes will be made to the *Election Act*. The Chief Electoral Officer does not have authority to change legislation.

Our Strategic Direction

Being an event-driven organization, Elections BC's goals, objectives and strategies continually require review and modification to reflect the changing focus and direction of the organization.

On September 12, 2005, the provincial Throne Speech outlined three tightly integrated and complex electoral events that were to be administered by Elections BC prior to the 2009 General Election.

The B.C. government committed to the conduct of a full enumeration of voters prior to the scheduled May 12, 2009 provincial general election to ensure that the provincial voters list is of good quality. Government committed to conducting a referendum on electoral reform in tandem with local government elections on November 15, 2008. Voters would choose whether to retain the current single-member plurality (SMP) electoral system or change to the single transferable vote (STV) electoral system. The referendum result would determine the electoral system and associated electoral boundaries to be used to conduct the May 12, 2009 provincial general election. Government also committed to proceeding with a scheduled review of electoral boundaries, and to extending the mandate of the Electoral Boundaries Commission to make recommendations for electoral boundaries under two electoral systems.

The implications of this announcement required Elections BC staff to begin detailed research immediately; the focus of the organization changed significantly. Elections BC needed to develop a comprehensive plan in order to successfully balance all three electoral events, each of which carried tremendous risk and high levels of challenge and opportunity.

On November 23, 2005, Elections BC began to develop its new Strategic Plan. The plan was built with input from every staff member. The goals, objectives, strategies and envisioned results were defined. All work anticipated by Elections BC over the next five years was incorporated into Elections BC's Strategic Plan.

Research and planning identified several significant issues related to the conduct of a province-wide referendum in tandem with local government elections. Elections BC advised government of the issues and concerns, and on April 27, 2006, the Premier announced in the Legislature that the date of the referendum would be moved to be held in conjunction with the May 12, 2009 provincial general election.

This change to the referendum date has resulted in amendments to the strategic plan and its associated timeline.

Our Finances

The Select Standing Committee on Finance and Government Services has responsibility for considering and making recommendations on the budgets of Elections BC.

In November 2005, the Chief Electoral Officer and members of his staff met with the Committee and presented Elections BC's budget requirements for 2006/07, including the funding necessary to administer events identified in the Speech from the Throne on September 12, 2005.

In its report to the Legislative Assembly in December 2005, the Committee recommended that Elections BC's 2006/07 ongoing operating budget be $6,508,000 and the operating budget to prepare for the Throne Speech events be $2,940,000, for a total operating budget of $9,448,000.

The ongoing operating budget was subsequently increased by $37,000 to $6,545,000 to accommodate a government-wide increase in the employee benefits chargeback rate paid to the BC Public Service Agency.

The following table compares Elections BC's financial performance in 2004/05 to the approved operating budget, and provides the approved operating budget for 2005/06.

Operating Budget

	2005/06 Budget $	2005/06 Actual $	Variance $	2006/07 Budget $
Funding				
Estimates	31,506,000	31,506,000	-	9,485,000
Total Funding	31,506,000	31,506,000	-	9,485,000
Expenses (Note 1)				
Salaries of permanent and temporary employees	5,100,154	5,009,524	90,630	2,554,000
Employee benefits	869,454	745,981	123,473	659,000
	5,969,608	5,755,505	214,103	3,213,000
Travel	188,825	102,846	85,979	58,000
Centralized management support services	128,460	356,666	(228,206)	95,000
Professional services	10,533,090	10,154,455	378,635	115,000
Information systems	3,179,512	3,032,697	146,815	1,783,000
Office and business expenses	3,165,573	3,536,861	(371,288)	156,000
Advertising and publications	1,255,837	1,079,505	176,332	6,000
Utilities, supplies, operating equipment and vehicles	69,534	66,733	2,801	4,000
Amortization	1,937,255	1,944,969	(7,714)	716,000
Building occupancy	2,194,691	2,156,294	38,397	393,000
Other expenses (Note 2)	2,883,615	4,000	2,879,615	2,946,000
Total expenses (Note 3)	31,506,000	28,190,531	3,315,469	9,485,000
Funding Returned	-	3,315,469		

Note 1 – The 2005/06 budget information is from the working budget that includes reallocations made during the fiscal year.

Note 2 – The 'other expenses' budget for 2005/06 includes election-related funding not allocated to other types of expenses. The 'other expenses' budget for 2006/07 includes $2,940,000 for 2005 Throne Speech mandated events.

Note 3 – The 2005/06 budget included additional funding to administer the targeted enumeration, 2005 provincial general election and referendum on electoral reform.

Performance Reporting

This section reports on accomplishments and performance measure achievements under each goal, in the context of Elections BC's objectives and strategies outlined in its 2005/06 – 2007/08 Service Plan published May 2005.

On September 12, 2005, the provincial Throne Speech introduced a number of new elements directly related to the work of Elections BC. This resulted in the business cycle activities envisioned from 2006 through 2010 being fundamentally altered. The goals, objectives, and strategies measured in this Annual Report have been modified in Elections BC's 2006/07 – 2008/09 Service Plan to better reflect Elections BC's new focus.

During the 2006/07 fiscal year, Elections BC staff will continue to work towards their vision of being leaders in electoral administration.

Goal 1 – Excellence in impartial electoral administration

Objective 1 – Efficient, effective and impartial service to voters, candidates, and other clients.

Elections BC strives to continually improve services to voters, candidates, and other clients. Providing information and services to clients in an effective and efficient manner optimizes the use of resources and public confidence in the electoral process.

Measure	2004/05 Actual	2005/06 Target	2005/06 Actual
Implementation of new technology or procedures to streamline administration	Fully automated internet voter registration implemented	Internet voter registration becomes primary method of registration, updates and confirmations	Target achieved - 57% (207,522) of updates, confirmations and registrations for the May 2005 General Election were completed online[1]
Number of access points available for client services	6	145	145

Strategies used:

- Elections BC encouraged voters to use online voter registration during its advertising campaign for the province-wide targeted enumeration, 2005 provincial general election and referendum on electoral reform.
- In every Service BC – Government Agent office throughout the province, voters can access Elections BC's online voter registration on an access terminal.
- Candidates, voters, and other clients can access information on Elections BC's website, or by visiting a Service BC - Government Agent office, Elections BC's Victoria office or one of the 85 district electoral offices during an electoral event.
- Elections BC has a toll-free information number, toll-free fax number and TTY (hearing impaired) number.
- Elections BC responds to email and phone enquiries within two working days.

[1] Between February 17, 2005 and April 28, 2005, other voter registration methods used by voters to update, confirm and register for the May 2005 General Election were fax/mail (19%, 68,778 transactions), 1-800 call centre (15%, 55,656 transactions) and in-person (9%, 31,611 transactions).

Goal 1 – Excellence in impartial electoral administration (continued)

Objective 2 – Produce a high quality voters list for use in electoral events

Elections BC has maintained a continuous voters list for more than 70 years and was the first jurisdiction in Canada with a computerized voters list. Voter registration and list maintenance are an important part of day-to-day operations.

With over 16% of British Columbia residents moving on an annual basis, the voters list can degrade by a significant factor every year unless voters and Elections BC are proactive in maintaining current data.

A complete and current voters list is important for a number of reasons:

- Statistics show that people who are registered to vote are more likely to vote.
- The efficiency of voting administration is enhanced when voters pre-register. This translates into shorter waiting times for voters at voting places.
- The voters list is used by political parties, candidates and MLAs to communicate with voters.
- The voters list is used to establish campaign spending limits.
- Use of a voters list reduces the opportunity for voter fraud.

Measure	2004/05 Actual	2005/06 Target	2005/06 Actual
Percentage of eligible voters on voters list (coverage)	90%	92%	90.3%
Percentage of voter records with correct current address (currency)	72%	87%	75.2%

Strategies used:

- Elections BC conducted an extensive province-wide targeted enumeration preceding the 2005 General Election with the objective of creating a high quality voters list for use in the May 2005 General Election and referendum on electoral reform. A targeted enumeration is distinguished from door-to-door or other 'blanket' approaches because it focuses on well-defined targets where there is reason to believe that voters are either not on the list or their voter registration records are not current.

Objective 2 - Produce a high quality voters list for use in electoral events

Strategies used (continued):

- Online voter registration was available to allow voters to update, register and confirm their registration information.
- Legislative changes were passed by the Legislative Assembly allowing Elections BC to:
  - use the federal voters list, removing the requirement for a voter's signature at the time of registration, thus permitting innovations such as online voter registration; and,
  - register individuals who have no dwelling place on the basis that their place of residence is a shelter, hostel or similar institution that provides food, lodging or other social services.

Despite these extensive efforts, the targets set for 05/06 were not achieved. The targets may require evaluation to determine their viability.

Goal 2 – Public awareness and understanding of the electoral process

Objective 1 – Citizens of British Columbia are informed and educated on the electoral process

Between electoral events, Elections BC educates and informs British Columbians about their electoral rights and the electoral process through many channels – Elections BC's website, advertising, information guides, brochures, media, voter outreach activities, and directly from Elections BC staff.

Elections BC educates youth through education kits that are distributed to provincial schools. In 2001, Elections BC developed a Grade 5 education kit entitled, "The Election Tool Kit." In 2003, Elections BC developed a Grade 11 education kit entitled, "Democracy in Action: Understanding and Exercising Your Electoral Rights." The purpose of these kits is to introduce British Columbia youth to the basic principles of a provincial election. The main message to youth is that voting is important.

Measure	2004/05 Actual	2005/06 Target	2005/06 Actual
Percentage of schools using grade 5 education kit	n/a	Baseline to be determined by survey	73%
Percentage of schools using grade 11 education kit	n/a	Baseline to be determined by survey	79%
Satisfaction of schools using grade 5 education kit	98%	98%	100%
Satisfaction of schools using grade 11 education kit	98%	98%	95%
Continuous improvement of information available to clients	n/a	Increase and improve quality of information available on website	Yes[2]
Voter knowledge of the electoral process	n/a	Baseline to be determined by survey	89%[3]

[2] EBC's website was improved to make it more functional and accessible to clients.
[3] In April 2005 (pre-election) and May 2005 (post-election) voters were surveyed to determine their awareness of the electoral process. In May 2005, 89% of the respondents indicated that they know how the electoral process works.

Objective 1 – Citizens of British Columbia are informed and educated on the electoral process

Strategies used (continued):

- Each year Elections BC distributes education kits to teachers across the province.
- A province-wide telephone survey was conducted in April and May 2005 to determine voter knowledge of the electoral process.
- Elections BC's website was enhanced to be more functional, accessible and comprehensive. During the 2005 General Election, voters could quickly locate their voting place by entering their address information; a map would appear that provided detailed directions from the voter's home to their assigned voting place.

Goal 3 – Ensuring the electoral process is accessible and inclusive

Objective 1 – Identify barriers and implement measures to enhance the accessibility and inclusivity of the electoral process.

Elections BC strives to remove all barriers to the electoral process. For the May 2005 General Election and referendum on electoral reform, Elections BC undertook many initiatives to ensure that the voting process was accessible to all eligible voters.

Measure	2004/05 Actual	2005/06 Target	2005/06 Actual
Strategies implemented to mitigate identified barriers	n/a	All advance voting locations wheelchair accessible	100% - all 191 advance voting locations were wheelchair accessible at the May 2005 provincial general election and referendum on electoral reform
% of eligible youth (18-24 years of age) registered as provincial voters	50%	65%	63%[4]

Strategies used:

- District Electoral Officers and Deputy District Electoral Officers were extensively trained on their role in ensuring the electoral process was accessible and inclusive during the May 2005 General Election and referendum on electoral reform.
- A youth liaison officer was hired from November 2004 to May 2005 to encourage youth 18-24 years of age to register and vote. The youth liaison officer attended 15 large youth events, communicated directly with 27,000 youth, and contacted 3,000 organizations. These organizations included post-secondary institutions, libraries, youth employment centres, student associations, schools, major youth employers, and youth-oriented media.

[4] As of May 17, 2005, there were 225,756 registered provincial voters 18-24 years of age.

Objective 1 - Identify barriers and implement measures to enhance the accessibility and inclusivity of the electoral process

Strategies used (continued):

- Across the province, 154 mobile teams of election officials brought voting to people who could not attend an established voting opportunity during the 2005 General Election. This included voters in acute care facilities, correctional facilities, and remote work camps. These teams also visited 465 long-term care facilities.
- Elections BC hired Aboriginal, Chinese, and Indo-Canadian liaison officers from November 2004 until May 31, 2005. Their role was to raise awareness of the electoral process, increase accessibility for voters and improve participation rates.
- Registration and voting information was translated into 16 languages and was available at every voting place and on Elections BC's website.
- Elections BC implemented nine service improvements to increase access for voters with disabilities.
- Elections BC developed a new section on its website specifically targeted to youth 18-24 years of age.

Appendices

Appendix A

Political Party Registration

The following political party registration activities occurred between April 1, 2005 and March 31, 2006. As of March 31, 2006, a total of 38 political parties were registered in B.C.

Political parties that were newly registered

- Feminist Initiative of BC – effective June 22, 2005

Political parties that were re-instated

- British Columbia Libertarian Party – registration re-instated on April 6, 2005 back to original effective date September 1, 1995 per Order of the British Columbia Supreme Court

Registered political parties that were deregistered automatically

The following registered political parties were deregistered effective June 10, 2005 in accordance with section 168 of the *Election Act* for failure to field candidates:

- The Alternative Party
- Canadian Alliance Party of British Columbia
- Centre Democratic Party
- Citizens Commonwealth Federation
- The Enterprise Party of British Columbia
- Natural Law Party of British Columbia

Registered political parties that voluntarily deregistered

- United Peoples Action Party – effective March 27, 2006
- Western Reform – effective May 25, 2005

Appendix B

Constituency Association Registration

The following constituency association registration activities occurred between April 1, 2005 and March 31, 2006. As of March 31, 2006, a total of 164 constituency associations were registered in B.C.

Constituency associations that were newly registered

- Penticton-Okanagan Valley Constituency Association Green Party Political Association of British Columbia – effective November 3, 2005

Registered constituency associations that were deregistered automatically

The following registered constituency association was automatically deregistered under section 166 of the *Election Act*:

- Prince George-Omineca Constituency Association Independent MLA Paul Nettleton, deregistered effective May 4, 2005

Registered constituency associations that voluntarily deregistered

- Prince George North Constituency Association Western Reform, voluntarily deregistered effective May 25, 2005
- Shuswap Constituency Association British Columbia Unity Party, voluntarily deregistered effective June 8, 2005
- Cariboo South Constituency Association Green Party Political Association of British Columbia, voluntarily deregistered by party, effective June 13, 2005

Appendix C

Orders of the Chief Electoral Officer

Section 280 of the *Election Act* establishes the authority of the Chief Electoral Officer to make specific or general orders under certain circumstances. Between April 1, 2005 and March 31, 2006, 23 orders were made by the Chief Electoral Officer.

ORD006-2005
April 20, 2005
One registered constituency association was granted a further extension to the March 31, 2005 deadline for filing with the Chief Electoral Officer its annual financial report for the 2004 calendar year.

ORD007-2005
May 4, 2005
A nominee was granted an extension to the deadline to submit the nomination documents required by s. 54 of the *Election Act* in order to be a candidate. The nominee was given incorrect information and did not understand that nomination documents must be filed with the District Electoral Officer for the electoral district in which the individual is seeking election.

ORD008-2005
May 9, 2005
A voter's ballot was inadvertently not placed in a secrecy envelope and certification envelope at the time of voting. The certification and secrecy envelopes containing the election and referendum ballots for three voters who voted in a district electoral office were opened at initial count in order to determine which one was missing the ballot. Without examining the markings on the ballot, the District Electoral Officer placed the ballot in the secrecy envelope for the appropriate voter, and the secrecy envelopes and certification envelopes for all three voters were then resealed until final count.

ORD009-2005
May 10, 2005
An election official provided a voter with a list of candidates for the incorrect electoral district. The voter did not realize her mistake until after she had placed her marked ballots in a secrecy and certification envelope and left the district electoral office. The voter was permitted to cast a ballot in the election for the electoral district of Yale-Lillooet, despite having already mistakenly cast a ballot for a candidate in the Penticton-Okanagan Valley electoral district. The certification envelope containing the incorrectly marked ballots remained unopened at final count.

ORD010-2005
May 14, 2005
Five voters who were erroneously assigned to a neighbouring voting area rather than the special voting area in which they were resident were permitted to vote as part of the special voting area.

ORD011-2005
May 16, 2005
A voter was mistakenly informed at an advance voting opportunity that her district was Nelson-Creston and was instructed to vote for candidates in the incorrect district. The voter was permitted to cast a ballot for the correct electoral district and referendum on electoral reform. The certification envelope containing the ballots cast by this voter for the incorrect district at advance voting remained unopened at final count.

ORD012-2005
May 17, 2005
Due to an error by an election official, a voter's marked referendum ballot was inadvertently not placed in the certification envelope with the marked write-in election ballot but was instead placed in a second certification envelope issued to the voter and subsequently deposited separately in the ballot box. To correct this, the two certification envelopes containing the ballots cast by a voter were attached together and considered as a single certification envelope at final count.

ORD013-2005
May 17, 2005
A voter had voted in the district electoral office for her electoral district, but had mistakenly marked the ballot from a list other than the list of candidates for that electoral district. The voter did not realize her error until she had left the district electoral office. The voter was permitted to cast a ballot for the correct electoral district and referendum on electoral reform, and the certification envelope containing the ballots previously cast by this voter at the district electoral office was not opened at final count.

ORD014-2005
May 17, 2005
An election official at an advance voting location mistakenly placed an absentee voter's marked election and referendum ballots directly into the ballot box. When the error was discovered, the election official issued a second election ballot to the voter and placed the marked ballot in a secrecy envelope and then in the appropriate certification envelope for the voter. The marked write-in ballot placed in the ballot box without a certification envelope was removed at initial count and set aside as a spoiled ballot.

ORD015-2005
May 17, 2005
The hours at a voting place were extended to 8:15 p.m. (Pacific Daylight time) on May 17, 2005. The voting place was closed during voting hours on General Voting Day due to a chemical spill in the vicinity, and a replacement voting place established approximately 15 minutes away. The extension was to accommodate voters who arrived immediately before the close of general voting at the closed voting place who may otherwise have been unable to reach their assigned replacement location in time to vote.

ORD016-2005
May 18, 2005
An unsigned certification envelope containing ballots cast by the voter whose personal information was omitted from the voters list for reasons of personal safety was accepted for consideration at final count. Due to a mistake by the election official, the voter was not instructed to sign the declaration on the certification envelope.

ORD017-2005
May 20, 2005
An election official erred in preparing two certification envelopes for each voter who attended an absentee voting station. A referendum ballot was placed in one envelope and an election ballot in another. The two certification envelopes issued to each voter at this particular voting station were attached together and considered as a single envelope for each voter at final count.

ORD018-2005
May 20, 2005
Some alternative absentee voting packages issued to voters resident in the Vancouver-Fraserview electoral district contained an ordinary ballot rather than a write-in ballot. The ballots cast by these voters were not rejected at final count on the basis that the incorrect ballot form was used.

ORD019-2005
May 20, 2005
The election officials at an absentee voting opportunity did not have sufficient certification envelopes for all voters who attended the voting station. They used blank envelopes and recorded the required information, verbally administered the declaration required by s. 87(5) of the *Election Act* and the voters signed the envelopes to indicate their agreement with the declaration. These envelopes were accepted as valid certification envelopes for consideration at final count.

ORD020-2005
May 27, 2005
The election officials at an absentee voting opportunity did not have a supply of certification envelopes when the first voter attended the voting station. They used a blank envelope and recorded the required information, verbally administered the declaration required by s. 87(5) of the *Election Act* and the voter signed the envelope to indicate their agreement with the declaration. This envelope was accepted as a valid certification envelope for consideration at final count.

ORD021-2005
May 27, 2005
An election official erred in preparing two certification envelopes for each voter who attended an absentee voting station. A referendum ballot was placed in one envelope and an election ballot in another. The two certification envelopes issued to each voter at this particular voting station were attached together and considered as a single envelope for each voter at final count.

ORD022-2005
May 27, 2005
The election officials at an absentee voting opportunity did not have sufficient certification envelopes for all voters who attended the voting station. They used blank envelopes and recorded the required information, verbally administered the declaration required by s. 87(5) of the *Election Act* and the voters signed the envelopes to indicate their agreement with the declaration. These envelopes were accepted as valid certification envelopes for consideration at final count.

ORD023-2005
July 15, 2005
One candidate and one registered constituency association were granted an extension to the August 15, 2005 deadline for filing with the Chief Electoral Officer their election financing reports for the 2005 provincial general election.

ORD024-2005
July 15, 2005
One candidate and one registered constituency association were granted an extension to the August 15, 2005 deadline for filing with the Chief Electoral Officer their election financing reports for the 2005 provincial general election.

ORD025-2005
July 25, 2005
One candidate and one registered constituency association were granted an extension to the August 15, 2005 deadline for filing with the Chief Electoral Officer their election financing reports for the 2005 provincial general election.

ORD026-2005
August 31, 2005
Ten candidates, four registered constituency associations and one registered political party were granted an extension to the August 15, 2005 deadline for filing with the Chief Electoral Officer their election financing reports for the 2005 provincial general election.

ORD027-2005
September 23, 2005
One registered political party was granted a further extension to the deadline to file with the Chief Electoral Officer its election financing report for the 2005 provincial general election.

ORD001-2006
March 13, 2006
One registered political party was granted an extension to the March 31, 2006 deadline to file with the Chief Electoral Officer its annual financial report for the 2005 calendar year.

Appendix D

Minutes of the Election Advisory Committee

Minutes
Election Advisory Committee
December 14, 2005

10:00 am – 12:00 pm
Seymour Suite, Fairmont Waterfront Hotel
900 Canada Place Way, Vancouver, British Columbia

Attending:
Committee members (in alphabetical order by political party name)
BC Liberal Party: Hector MacKay-Dunn, Hoong Neoh (on behalf of Kelly Reichert)
BC Marijuana Party: Kirk Tousaw
Green Party of BC: Scott Hean
New Democratic Party of B.C.: Nikki Hill
Elections BC
Harry Neufeld, Chief Electoral Officer (Chair)
Linda Johnson, Deputy Chief Electoral Officer
Linda Shout, Executive Coordinator (minutes)

1. Introductions and Administrative Matters

Meeting participants introduced themselves. A number of former Committee members have been reappointed to the EAC. Scott Hean was welcomed as a newly appointed member of the Committee for the Green Party of B.C.

2. Role of the Election Advisory Committee (EAC)

Harry Neufeld provided a handout outlining the legislated composition and role of the EAC. Currently, the Committee has seven members. Each registered political party represented in the Legislative Assembly may appoint two Committee members, and each party that ran candidates in at least one half of all electoral districts in the previous general election is permitted one representative to the Committee. The Chief Electoral Officer is automatically designated Committee Chair.

Committee members were reminded that if a member is not able to attend, another individual may be sent in their place. Advance notice in writing (via email, fax or mail) to the Chief Electoral Officer is required.

Draft meeting minutes are generally distributed to attendees one week after the meeting for their review and comment. The finalized minutes are posted to the following page of the Elections BC website immediately following the review period: http://www.elections.bc.ca/eac/eacmain.htm.

Although the Committee was originally expected to focus on the provisions of the *Election Act* relating to the financing of the political process, this has not been the main focus recently. In the last electoral cycle, the Committee considered matters such as reduction in services provided by Elections BC to the parties as a result of budget constraints and voters list maintenance issues. Over the coming months, the major focus of the Committee will be consultation regarding recommended amendments to the *Election Act*.

3. Throne Speech Implications

The Speech from the Throne of September 12th, 2005, contained four announcements that will have a major impact on electoral administration over the next four years. Harry Neufeld provided a summary of the announcements.

Electoral Boundaries Commission

An Electoral Boundaries Commission was to be established by November 30th, 2005. Electoral Boundaries Commissions have three members: a Commission Chair who is a judge or retired judge of the B.C. Supreme Court or Court of Appeal; a person who is not an MLA or government employee, nominated by the Speaker and agreed to by the Premier and Leader of the Official Opposition; and the Chief Electoral Officer.

The mandate of the Commission has changed from that of previous Commissions. This Commission has been tasked with proposing and finalizing electoral district boundaries under both the current, single member plurality (SMP) system and the Citizens' Assembly-designed B.C. single transferable vote (BC-STV) system. An extended timeframe has been allowed to accommodate this more complex mandate. There is an expectation that the question of representation and the proposed BC-STV system will likely be raised during the Commission's public hearings. The Commission will provide a preliminary report to the Speaker in mid-August 2007 on both boundary sets, with a final report due February 15th, 2008.

Referendum on Electoral Reform

A referendum will be held in tandem with local government elections on November 15th, 2008. It is expected that the referendum will be administered by Elections BC parallel to the local government elections, as local governments do not have the legislated authority to administer provincial referenda and there are significant differences between the jurisdictions regarding voting opportunities and eligibility requirements.

The referendum result will determine which system is used in the following provincial general election, scheduled for May 12, 2009.

Provincial General Election

Results of the referendum will likely be known by the first week of December 2008, and writs of election for the next general election will be issued in early April 2009, just four months later. This allows for very little time in which to implement changes for an election under the BC-STV system, should that be necessary. It also represents a significant challenge to political parties, candidates and those parties with constituency associations to be ready for a new system.

Province-wide Enumeration

Government has announced that there will be a full enumeration before the next provincial general election. The Throne Speech did not provide details on the enumeration methodology, such as a door-to-door enumeration or another method as determined by Elections BC. The Throne Speech did, however, clearly express the requirement to have a fully updated voters list before the next general election.

Pacific Centre for Social Innovation

Government also announced the establishment of the Pacific Centre for Social Innovation. The Centre has the mandate to explore three themes, including the decline in voter participation. The Centre's role is to establish best practices based on current research and thinking worldwide. It is not the Centre's role to act upon its findings, but it will make recommendations, some of which can be expected to impact electoral administration in B.C.

These announcements have implications for the role and work of the EAC, including input into the design of new legislation, procedures and approaches to public education, as well as the ultimate delivery of the 2009 provincial general election under the system supported by voters in the referendum.

In response to questions, Harry Neufeld explained that Deputy Chief Electoral Officer Linda Johnson, Director of Electoral Finance Nola Western and he recently met with the Select Standing Committee on Finance and Government Services regarding the need for additional funding to plan for Throne Speech related activities. As the length of time between the referendum and the provincial general election is very short, extensive preparation to administer an election under either the SMP or BC-STV systems must be completed in advance of the referendum result.

The Select Standing Committee on Finance and Government Services makes recommendations regarding the annual budgets of all Independent Officers of the Legislature. This funding would be in addition to the approximately $6.5 million Elections BC requested as its annual operating budget, which is the same amount appropriated the past two fiscal years.

4. Post-Election Processing and Reporting

Linda Johnson reported that Elections BC continues to be busy with post-election activities. The Statements of Votes for the general election and referendum have been tabled in the House and posted to the Elections BC website (http://www.elections.bc.ca/elections/elections-results.htm). Electoral Finance staff are reviewing over 700 financial report filings by candidates, political parties, advertising sponsors and constituency associations. Geographic and Voter Data Services staff processed new and updated registrations in order to provide an updated list to local governments who requested one for use in the November 19, 2005 local government elections.

A number of audits are also being conducted. All disqualified ballots are being reviewed to determine why they were disqualified. It appears that, in almost every case, the error resulted from election officials not following instructions correctly. A review of other anomalies, such as voters potentially voting more than once, is also being conducted. Investigation typically reveals that these individuals are elderly, and may have voted once via a team sent to their nursing home or extended care facility and again on voting day if a family member took them to a voting place.

A preliminary review of potential cases of multiple voting indicates that approximately 50% of the 40 cases under review were likely elderly voters who live in long term care facilities. There are more potential cases during this event, which may have been due to the complexity added by administering a referendum at the same time as the election.

Once an investigation into each case has been concluded a report will be provided to EAC members. There do not appear to be any systemic issues or errors affecting a particular district.

Linda Johnson explained that the Chief Electoral Officer may issue Orders permitting variance from the *Election Act* in the instance of an emergency, mistake or other unusual circumstances. For example, an Order may be made allowing an extension to a financial filing deadline for a candidate or political party. During the 38th provincial general election, the Chief Electoral Officer issued a number of Orders. Each Order is published in Elections BC's Annual Report, and those relevant to a particular electoral event are summarized in the Chief Electoral Officer's statutory report on that event.

The Chief Electoral Officer's (CEO) report on the 38th provincial general election will be tabled in early 2006. Previously, the CEO report has contained recommendations for legislative change. In order to raise the profile of these recommendations, a separate report will be produced and tabled by March 31, 2006.

5. The Legislative Amendment Process

Linda Johnson distributed a graphic summarizing the legislative amendment process. A great deal of work occurs before a request for legislation is put forward. All government ministries, agencies, and independent offices follow the same process of developing a conceptual plan, conducting research and identifying issues, developing policies to address issues, developing a procedural framework and cost analysis, and consulting with stakeholders. If Cabinet agrees to address the recommended legislative change, it must be reviewed by the appropriate caucus and legislative review committees. The Bill must then be drafted, based on instructions provided by the originating ministry or office, before the Bill is finally introduced.

The Attorney General is responsible for the legislation affecting Elections BC, and ministry staff are aware of the need for Elections BC to maintain strict neutrality in the way we approach the legislative amendment process. For example, Elections BC advises the Official Opposition when we make recommendations for legislative change.

There is a lot of legislative work to do over the coming years, including developing a legislative framework for the electoral reform referendum and for the BC-STV system. The EAC will be consulted on legislative changes recommended by Elections BC, although it is government that will actually

initiate these changes. Elections BC will keep the EAC informed as it conducts research on the BC-STV legislative framework and identifies implications for parties.

6. Previous Recommendations for Legislative Change

Linda Johnson distributed a handout on recommendations made to government regarding legislative change following the 1996 and 2001 provincial general elections and some subsequent recommendations. These recommendations have been reviewed by previous Election Advisory Committees. Some recommendations were acted upon, and are not included on the current list. The Senior Management Team of Elections BC is currently reviewing the list and will make its own recommendations on items to add or remove. Three public policy issues will be raised in the report of recommended changes for government's consideration. One is the impact of fixed election dates on election financing and third party advertising. A second is the requirements for registration of political parties. B.C. has the lowest threshold of political party registration requirements of any electoral jurisdiction in Canada. Out of 48 political parties registered at the time of the May 2005 election, only 25 fielded candidates. On average, most provinces have 4-6 registered parties, with 13 registered federally.

The third issue is public participation in electoral democracy. This issue goes beyond voter turnout to include public engagement in the political process and the effect this may have on voter participation. For example, those who work on a political campaign or as an election worker may be more likely to vote due to exposure to the process. Manitoba's *Elections Act* requires an employer to grant an unpaid leave of absence to an employee who is a candidate, election officer or enumerator or volunteer for a candidate or political party (employers can apply to the Labour Board for an exemption under certain circumstances). Given the desire to increase citizen participation in the democratic process and the growing need for qualified, committed election officials, this may be an approach for B.C. to consider.

All political parties that fielded candidates in the previous election were recently surveyed on their experience of various aspects of electoral administration. Ten parties responded. Responses were very favourable for the most part, and generally did not suggest that legislative change was necessary.

Committee members were asked to review the recommended legislative changes document and provide their feedback by email by January 16, 2006. Members were also invited to identify any additional areas of electoral public policy they feel should be put forward in addition to the three already discussed.

Elections BC's Senior Management Team will review the document and a revised version will be forwarded to the EAC for detailed review and discussion in early February 2006.

Linda Johnson noted that there will be other opportunities to make recommendations for legislative change to the current *Election Act* as the conceptual model and procedural framework for BC-STV is developed. Research may indicate improvements to the way the electoral process is administered that could apply under either system. Although the report on recommended legislative changes will be tabled in March 2006, we will still have the ability to bring changes forward after that date.

Harry Neufeld noted that Elections BC has recommended to the Attorney General that legislation be introduced no later than the Fall of 2007 and passed in Spring of 2008 along with the new electoral district boundaries under both the SMP and BC-STV systems. BC-STV legislation and boundaries would then be known and inform the debate prior to the referendum in the Fall of 2008. Royal Assent would be granted to the appropriate legislation and boundaries following the referendum. Elections BC intends to limit the amount of duplicated work and reduce preparation costs by advocating for overlapping legislation, processes and forms to the maximum possible.

Linda Johnson suggested that she provide an orientation to EAC members on the BC-STV system as designed by the Citizens' Assembly. Committee members agreed. The orientation session will take place in March or April of 2006.

It was suggested that once new legislation is passed a consolidated version of the *Election Act* be produced. Linda Johnson noted that if the government does not produce one, Elections BC will.

7. Future Meetings:

Harry Neufeld suggested that there were other matters beyond legislative changes that could be brought to the EAC for consultation in this electoral business cycle. One is the matter of data provided to the parties. Data formats, for example, have not changed since the mid 1980s. This will be a lengthy process, and EAC members will be encouraged to bring others from their parties with the appropriate expertise to the table. EAC members expressed interest in consulting on this issue.

Minutes
Election Advisory Committee
Consultation on Recommended Legislative Changes
February 8, 2006

12:00 pm – 3:00 pm
Gabriola Island Room, Fairmont Hotel Vancouver
900 West Georgia Street, Vancouver, British Columbia

Attending:
Committee members (in alphabetical order by political party name)
BC Liberal Party: Kelly Reichert, Brian Bonney (on behalf of Hector MacKay-Dunn)
British Columbia Marijuana Party: Kirk Tousaw
Green Party of BC: Scott Hean
New Democratic Party of B.C.: Nikki Hill
Elections BC
Harry Neufeld, Chief Electoral Officer (Chair)
Linda Johnson, Deputy Chief Electoral Officer
Linda Shout, Executive Coordinator (minutes)
Kevin Atcheson, Researcher/Policy Analyst

1. Purpose of Meeting

Harry Neufeld advised that the purpose of this Committee meeting was to review in detail a document pertaining to proposed legislative amendments. Following consultation and Committee members' feedback, the recommendations will be shaped into a report to be tabled in the Legislature by March 31, 2006.

Responsibility for legislative matters rests with the Deputy Chief Electoral Officer, Linda Johnson, who led discussion on the proposed recommendations. Recommendations that were considered by previous Committee members had been provided to the Committee for review and written response. There were no objections made to putting forward those recommendations, therefore discussion was focused on approaches to drafting some of the previous recommendations, newly proposed amendments and the removal of some previous recommendations. In addition, the recommendations document raises public policy issues that government may wish to consider. These include matters brought forward by Committee members and Elections BC staff.

2. Review of Proposed Legislative Amendments

Section 18(1)(b): Committee members agreed that the section should be amended to clarify that more than one Deputy District Electoral Officer may be appointed for an electoral district.

Section 27: A previous recommendation that schools be closed on General Voting Day has been eliminated. Elections BC has made considerable efforts to ensure student safety at schools used as voting places. Committee members agreed that the benefits of keeping schools open and utilizing them for voting places outweigh other considerations. Keeping schools open avoids child care issues for voters and election officials. As well, schools are increasingly taking advantage of the location of a voting place on their premises as an educational opportunity for students.

Sections 28, 62 and 270: Committee members agreed that these sections of the Act should be amended to provide discretion to the Chief Electoral Officer in determining the most appropriate method and venue to communicate information to the public.

Section 36: Committee members agreed that the Act should be amended to permit registration by telephone during the general registration period. Updating and confirmation of voter records is currently permitted by telephone. Voters who wish to register by telephone would be required to provide all the information necessary for a voter registration official to complete a form on their behalf, and to verbally confirm that they meet the qualifications for registration. The existing Voter Registration Regulation would be amended to require a voter using telephone registration to provide the last six digits of their SIN or a BC driver's license number, consistent with the requirements for registering online. Previous amendments to the Regulation to facilitate online voter registration did not result in an increase in false registrations.

Section 41(3): Committee members agreed that voters in correctional or medical facilities should be permitted to provide only one document with the voter's name and make a solemn declaration as to their residential address in order to register in conjunction with voting. Linda Johnson noted that due to high turnover in some of these facilities they are not enumerated, and voters in these facilities typically do not have with them two pieces of identification that show, in combination, their name, residential address and signature.

Section 48(1): Committee members accepted an amendment recommendation to establish that candidates are entitled to one electronic copy of both the preliminary and revised voters lists. District Electoral Officers have reported that most candidates do not pick up printed copies of the lists that must be made for them by law (2 copies per candidate). Candidates who are unable to make use of an electronic copy could request one printed copy of each list.

Part 5, New Section: This section would require individuals who intend to become a candidate to file a notice with Elections BC within 15 days of their declaration/ selection. Committee members agreed that this requirement will allow Elections BC to communicate with the potential candidate and their financial agent in advance to the election period, facilitating knowledge of and compliance with election financing rules.

A concern was raised that some candidates may have difficulty appointing a financial agent far in advance of the election period. Linda Johnson clarified that potential candidates would be able to act on their own behalf in the absence of appointing a financial agent, so long as a written statement is provided to that effect.

Linda Johnson noted that, as per the *Election Act*, the two documents required to complete a standing nomination (the Statement of Disclosure and solemn declaration of qualification to be a candidate) must be filed between when the election is called and the beginning of the ordinary nomination period.

It was suggested that, with fixed election dates, the standing nomination process could be modified to allow nominees to complete the required forms in advance and file a replacement form if something changes. Candidates could therefore receive their certificate of candidacy on Writ Day, provided the forms have been completed correctly. The process for by-elections would remain unchanged.

Kirk Tousaw of the BC Marijuana Party asked what remedy would be applied if a candidate does not file their notice of intent within 15 days. It was agreed that this approach may not be as effective for individuals who decide to be independent candidates. Committee members agreed that the language regarding the requirement to file a notice would focus on candidates who enter the process through a political party or constituency association.

A Committee member asked whether the onus should be on the political party to inform Elections BC when a candidate has been endorsed. Linda Johnson noted that the party endorsement process occurs at the end of the nomination period. Candidates may submit a party endorsement with their nomination, but parties

may still withdraw their endorsement until the time nominations close. Political parties appreciate this flexibility. Committee members agreed that political parties could send partial endorsement lists to Elections BC to help streamline the administration of the endorsement process.

Section 56(1): The ordinary nomination period currently begins on Day 6 of the election period and closes on Day 15, leaving only seven days to print and distribute ballots before Advance Voting begins. Many candidates in the 2005 election submitted their nomination papers at the very end of the nomination period. With a fixed election date and the availability of the standing nomination process, closing nominations earlier in the election calendar would improve efficiency with minor impact on candidates.

Scott Hean of the Green Party suggested that the nomination process should close at the very start of the election period, as both the writ and election dates are fixed. Linda Johnson noted that as only the *Constitution Act* was changed to establish fixed election dates, there are numerous areas of electoral legislation that require ongoing review to improve administrative processes in the context of a fixed election date. This recommendation seeks to streamline the process while taking human dynamics into account.

Committee members agreed that with the recommendation that the ordinary nomination period should begin on Writ Day and close on Day 10. Standing nominations would end on Writ Day for fixed date elections only.

Section 57: Committee members agreed that only copies of standing nomination documents, with personal information obscured (for public inspection purposes), be forwarded to District Electoral Officers. Originals should remain at the Chief Electoral Office.

Section 76(3): Committee members agreed with the recommendation to adjust the hours of advance voting to 11:00 a.m – 8:00 p.m. This may reduce lineups, making it more convenient for those who wish to vote over their lunch break, without reducing the hours available to vote.

Section 103(1): Elections BC was able to take advantage of the fixed election date and increase administrative efficiency by opening District Electoral Offices before Writ Day. However, voters were attending the District Electoral Offices to vote before the writs had been issued. Committee members agreed the wording in the Act should be amended to clarify that voting is not available until after an election has been called.

Section 109(4): The *Election Act* allows voters to be assisted in voting under certain circumstances. However, residents of group homes or extended care facilities are not sufficiently accommodated by this section. Committee members agreed that an amendment to allow individuals to assist in voting by one or more voters in their care would be appropriate. The care relationship should be clearly defined to prevent undue influence by an individual on those they are assisting.

Section 136(1)(b): In the previous election, recounts were requested by candidates in circumstances where the margins between the two leading candidates were significant, making a change in the result unlikely. Committee members agreed that grounds should be established for recounts requested by candidates as part of final count. Committee members also agreed that the grounds should be the same as for judicial recount, and a deadline should be established of no later than three days after General Voting Day to request the recount.

Section 154(1)(3): This amendment would establish that political parties and constituency associations may not issue tax receipts for contributions received during a period of suspension. Committee members agreed to this approach.

Section 155(3)(f) and (d) – Committee members agreed with the recommendation to require a political party to provide a name of an individual to whom communications to the political party may be addressed.

Sections 155(3)(j) and 157(3)(h): This proposed amendment would require political parties to submit their account numbers as well as the names and addresses of the savings institutions in order to register as a political party. This amendment would be worded to clearly state the intent that this requirement is to facilitate the conduct of audits and investigations. Committee members agreed with this recommendation.

Section 159: Often, registered political parties and constituency associations do not file the required notice with the Chief Electoral Officer of any change in their registration information. This recommendation is to establish an administrative penalty of suspension of an organization's registration until the updated information is provided. Committee members agreed this amendment would help ensure organizations comply with the requirements of the Act.

Sections 170 and 171: Committee members agreed to these recommendations, which would establish a deadline for deregistered political parties and constituency associations to file final financial reports and declare any surplus funds.

Sections 175, 179: These amendments would require a registered political party or constituency association to appoint a new financial agent or auditor within 60 days of the vacancy occurring. Currently the Act only specifies that one must be appointed "as soon as possible." There was some discussion of a suggestion that perhaps it should be 120 days rather than 60, but as the Act currently allows 60 days for notification of any change to an organization's information, Committee members agreed that delays could become excessive.

Section 178: This amendment would expand the deputy financial agent's authority to allow them to file financing reports in the absence or incapacity of the financial agent. There was some discussion around allowing deputy financial agents to act on the financial agent's behalf more generally. However, the intent of the Act was clearly to constrain the authority of Deputy Financial Agents, and to ensure that one individual is administratively responsible for financial filing. Committee members agreed to this recommendation as presented.

Sections 223, 224: These amendments were recommended following previous elections, to respond to some difficulties in achieving compliance in financial reporting. Elections BC has found that these amendments are no longer necessary. Committee members agreed that these recommendations will no longer be put forward.

Part 11, new section: In the 2005 election, some individuals in official political campaign capacities applied as advertising sponsors. Committee members agreed that the Act should be more explicit that registered advertising sponsors be independent of registered political parties, registered constituency associations and candidates.

Part 11, new section: These amendments would bring B.C.'s *Election Act* in line with the Canada *Elections Act*, which permits tenants of rental units and residents of strata properties to display election advertising at their residence. Committee members agreed that this lack of consistency with the federal Act creates voter confusion and may restrict individuals' Charter rights to freedom of expression.

Section 228: "Advertising" is not defined in the *Election Act*, which makes it difficult to determine if something constitutes election advertising. New technologies and ways of communicating are posing particular challenges in this area. Committee members agreed that the *Election Act* should be amended to define advertising as it applies to election advertising. Other jurisdictions are also struggling with this definition. If this recommendation is brought forward, legislative counsel will need to research cases and legal opinions to ensure adequate, explicit wording is developed.

Sections 231, 264(1)(b): The *Election Act* prohibits election advertising conducted without the required identification of the sponsor. However, it is difficult to enforce this prohibition as there is low likelihood that the offence would result in prosecution. Committee members agreed that an amendment is appropriate to allow the Chief Electoral Officer or a designated official to remove election advertising that does not contain sponsor identification.

Sections 239, 264(1) (h): Committee members agreed that the Act should be amended to allow the Chief Electoral Officer to impose an administrative penalty for conducting election advertising without being registered.

Linda Johnson noted that the penalty would be in the form of a fine. Although a suspension would potentially be an effective penalty against a registered political party, it would not be effective against third party advertising sponsors.

3. Recommendations for Amendments to Other Acts:

Committee members did not raise any issues or concerns with proposed changes to the *Recall and Initiative Act* to parallel recommendations for amendments to the *Election Act*.

Linda Johnson advised that once the report on recommended legislative changes in tabled in the House, the House must decide whether to act on some or all of the recommendations. Legislators may wait until further recommendations are made regarding the BC-STV electoral system, or they may move forward with some changes in anticipation of testing new legislation in a by-election. If recommendations are brought forward, the Attorney General will convene a team consisting of the Deputy Chief Electoral Officer and senior staff from the Ministry of Attorney General (Legislative Counsel and a Senior Policy Analyst). Legislation may be amended based on models in other jurisdictions, or a discussion paper or briefing note may be prepared for decision by Cabinet regarding the direction government wishes to take.

4. Other Issues

Linda Johnson reminded Committee members that public policy must be decided by the policy makers – it is not Elections BC's role as an independent electoral administration body to make public policy. She also noted that there is a great deal of scrutiny over electoral legislation changes. Stakeholder consultation is generally performed before making significant legislative changes. It is likely, for example, that government will want Elections BC to conduct consultation through the Election Advisory Committee on matters of legislative change necessary to establish a BC-STV version of the *Election Act*.

The following matters will be raised in the report as public policy issues to bring to the attention of government and legislators.

Registration of Political Parties

Of the 45 political parties registered at the last election, only 25 fielded candidates. In order to be registered, a political party must declare that its primary purpose is to field candidates for election. Parties are automatically deregistered if they fail to field candidates in two consecutive general elections. However, registered parties that did not endorse candidates in the last election may still take contributions and issue tax receipts. There is a large administrative overhead and associated costs to the public with maintaining the register of registered political parties and constituency associations.

Committee members agreed that a review of the requirements to register and remain registered as a political party would be beneficial. Many provinces require demonstration of a degree of public support by submitting a specified number of signatures of voters or party members before a party can be registered.

Kirk Tousaw of the BC Marijuana Party noted that although having a larger number of political parties is good for democracy, it is in the interest of entrenched political parties to reduce the number of parties in competition for voter support. He raised a concern that the decision to enact legislation restricting the ability for parties to register be made by political parties that are have an interest in limiting the number of parties.

In response, Linda Johnson noted that all changes to electoral law must be reviewed by a number of legislative committees, with input provided by Elections BC as a non-partisan Office of the Legislature.

Nomination Deposits

Concerns have been raised by candidates and political parties regarding the criteria for reimbursement of nomination deposits. Many jurisdictions now focus on compliance with financial filing requirements and deadlines as the criteria for reimbursing deposits, rather than the receipt of a percentage of valid votes. As there are different models evolving across the country, it is appropriate to revisit the model in B.C.

Two jurisdictions currently don't require a nomination deposit. Linda Johnson agreed that Elections BC will conduct further research regarding the reasons these jurisdictions do not require a deposit.

A Committee member suggested that rather than a nomination deposit, the requirement for candidates to collect more signatures in support of their candidacy may be a more effective way to reduce "frivolous" candidacies, so long as the bar is not set unreasonably high.

Encouraging Participation in Electoral Democracy

Participation in electoral democracy includes activities such as working as a scrutineer, assisting with a political campaign, or working as an election official. It is difficult to attract qualified individuals for this work, however, as many potential workers have difficulty getting the needed time off from their employment. Manitoba has legislation that guarantees leave without pay from work to be a candidate, or to work as an election official or for a political campaign (employers may be exempted if they can not reasonably accommodate the time off).

Committee members agreed that, in order to encourage a broad range of citizen engagement in the electoral process, it would be appropriate to consider whether B.C. should adopt a similar model to that of Manitoba.

Making Electoral Democracy Accessible

Committee members agreed that further research on improving access to the electoral process for people with low literacy skills and for individuals with English as a second language is desirable. Elections BC is reviewing all its forms, guides and public materials to ensure plain language standards are met.

Kelly Reichert of the BC Liberal Party suggested that consultants in the field of accessibility could provide valuable advice on removing barriers in various areas. Learning disabilities, for example, may pose a greater barrier to individuals than language considerations.

Impact of Fixed Election Date on Election Advertising and Expense Limits

Although concerns had been raised that fixed election dates may have allowed for circumvention of spending limits, there has been no evidence to suggest this is the case. Third party spending in the 2005 General Election was high compared to the previous election, but this may be a reflection of the issues at the time rather than the impact of a fixed election date. However, in order to address concerns and anticipate any potential problem, the campaign period could be redefined for fixed date events.

Committee members affirmed that such an amendment would increase clarity and transparency in this area.

Campaign Issues

These issues have been raised by political parties, candidates and voters as matters of fairness during election campaigns.

Right of Entry: In B.C., access to rental properties by candidates or their agents during a political campaign is established under the *Residential Tenancy Act*. It is suggested that B.C.'s *Election Act* could be amended to provide broader access to apartment buildings, condominiums or other multiple residences in a similar fashion to the federal Canada *Elections Act*.

Candidate Forums and Debates: Although some "all candidates" forums must limit the number of speakers due to space and time constraints, some candidates feel they have been excluded based on their platform or the party they represent. It is suggested that this aspect of fairness to candidates and parties should be addressed.

Kirk Tousaw of the BC Marijuana Party suggested that a set of non-mandatory guidelines developed by Elections BC highlighting the importance of access to candidate forums for all candidates and parties would also be helpful.

Campaign Signs: Elections BC receives many complaints about campaign signs, usually regarding a lack of authorization statements or sign placement. However, lawfully placed signs have also been vandalized or removed. The Act could be amended to make it an offence to remove or destroy an otherwise legally placed sign. A provision could also be made requiring signs to be removed by political parties within an appropriate time following an election. The Committee members agreed that it would be appropriate to address these issues through legislative amendments.

Other Issues

Campaign Finance Rules and Public Funding of Campaigns: Scott Hean of the Green Party suggested election financing provisions could be changed to allow donations only from private individuals and not organizations of any kind. In the alternative, public funding for political parties, similar to the method used federally, could be considered.

Linda Johnson noted that it may be time to review the electoral finance provisions in the *Election Act* as they are 10 years old, and in some areas have not kept pace with changes in other jurisdictions. Some provinces publicly fund auditing requirements. As B.C.'s Chief Electoral Officer does have the authority to demand an audit, perhaps it would be appropriate to fund it. A previous recommendation was put forward to establish a threshold for exempting the audit requirements.

It was agreed that comments will be added to the public policy section of the report regarding a review of campaign finance rules

The election finance portions of B.C.'s Act are not straightforward and could potentially be restructured for clarity. However, as the Act must potentially be amended significantly for the BC-STV system, it may be better to not make any recommendations to restructure the electoral finance sections of the current Act until the scope of amendments for BC-STV are known.

5. Next Meeting:

Harry Neufeld agreed that an electronic draft of the report on recommended legislative changes will be sent to all Committee members for their review before the report is sent to print.

After the report has been tabled, the legislative focus will shift to amendments required for the BC-STV electoral system. Linda Johnson will provide a presentation to Committee members in mid-April on the workings of the BC-STV system.

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